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March 11, 2011

Chief George Turner
Atlanta Police Department
226 Peachtree Street, S.W.
Atlanta, Georgia 30303

RE: Complaint of Lee McCracken, #10-35

Dear Chief Turner:

The Atlanta Citizen Review Board ("ACRB") completed its investigation and adjudication of the complaint that was filed by Lee McCracken alleging abusive language by Officer V. A. Moreno on May 12, 2010. This matter was investigated by Marc Addington based on the allegations made by Ms. Lee McCracken.

According to Ms. McCracken, she and her husband, Frank McCracken, were at Hartsfield-Jackson Airport on May 12, 2010 to pick up a family member. They were parked at the passenger drop-off/pick-up area of the North Terminal when they were approached by Officer V.A. Moreno. Mrs. McCracken claims Officer Moreno pulled alongside them and yelled, "Are you clueless?" They asked Officer Moreno what she was talking about and Officer Moreno responded by yelling, "Oh, you don't know, you don't know! Stay right there!" Mrs. McCracken said that Officer Moreno got out of her car and walked to their car and yelled, "Are you clueless?" Mrs. McCracken advised that the officer told them to stay right there and returned to her patrol car and then left the area. They began to drive away and Officer Moreno returned and initiated a traffic stop. Officer Moreno approached the McCracken's car and asked her husband to produce his driver's license. The officer went to her patrol car and returned a short time later and issued a traffic citation for parking in a no parking zone.

During the interview, Mrs. McCracken was concerned that Officer Moreno targeted them and disregarded the other cars that were illegally parked in the same area. They left the area and came back and videotaped the other cars that were illegally parked. According to Mrs. McCracken, Officer Moreno approached them a third time and told them she did not mind if they videotaped but they needed to move their car.

Continue ...

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Frank McCracken submitted a written statement and confirmed his wife's version of the events. He added that she shoved the ticket in his face and told him to sign it. He told her, "I ain't signing anything because you passed all those other cars that were parked illegally." She radioed dispatch and Mr. McCracken agreed to sign the ticket.

Officer Moreno said that she saw the McCracken's car illegally parked near the North Terminal. She approached the driver's side and asked the driver to move. She said that the driver replied, "Worry about the other cars." She said, "The others haven't a clue; you, on the other hand, are clueless." She was distracted by another car that was driving on the wrong side of the street and she left to deal with that driver. Officer Moreno said that she dealt with that situation and then re-directed her attention to the McCracken's. They were driving away. She initiated a traffic stop and when she approached the car, Mr. McCracken yelled, "What you pulling me over for, this is harassment. You are singling me out. You are a black officer treating me like this. I expect this from some cracker; you should be ashamed of yourself." She issued him a citation and Mr. McCracken told her to burn in hell and drove off. He returned shortly and began videotaping the cars parked at the North Terminal.

The ACRB ordinance defines abusive language as meaning harsh, violent, profane, or derogatory language which would demean the dignity of an individual and which shall also include profanity and racial, ethnic, or sexist slurs. While this type of response is clearly not courteous, it is unclear that the behavior rises to the level of misconduct that is contemplated by the ordinance. The finding of the Board turned on whether or not the expression, "clueless," meets the definition of abusive language. The SOP addressing courtesy provides a broader view of how officers should interact with the public. The requirement is that an employee will be civil, orderly and courteous. The Atlanta Police Department sustained a violation of the courtesy work rule; however, it is unclear that this is a violation of the definition provided by the City Ordinance. For this reason, the Board recommends a finding of **Not Sustained**.

Please let me know if you have any questions or concerns or if you would like to have a copy of the full investigation. The ordinance requires that the Chief respond in writing regarding which recommendations are accepted, rejected, or will be implemented with modifications within thirty (30) days of the submission of a recommendation for action by the Board to the Chief. See Sec. 2-2211(O) of Ordinance 07-0-0141.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joy Morrissey", with a stylized flourish at the end.

Joy Morrissey
Board Chair

cc: Mayor Kasim Reed
Council President Caesar Mitchell
Members of Council
ACRB Board Members